

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

RAMON ARMAS BORROTO, JR.

Plaintiff,

vs.

Case No. 5:04CV165-RH/WCS

L. MCDONALD, PATE,
MCKENZIE and KENT.

Defendants.

**DEFENDANTS' MOTION TO CONDUCT DISCOVERY AND TAKE
DEPOSITION OF INCARCERATED PERSONS**

Defendants, through undersigned counsel and pursuant to this Court's Order, hereby submits this motion showing good cause to engage in discovery. Defendants hereby request discovery as follows:

1. **Depositions:** Pursuant to Rule 30 (a)(2), Federal Rules of Civil Procedure, Defendants request to take the depositions of inmates Ramon Borroto, DC# X27467, and David Brooks, DC# 982838. Defendants seek to extract precise information from the Plaintiff and his witness regarding allegations of the complaint and alleged injuries. Defendants propose to schedule the depositions after receipt of responses to the request for interrogatories.

2. **Interrogatories:** Pursuant to Rule 33, Federal Rules of Civil Procedure, Defendants ask to submit a **request for interrogatories** to Plaintiff. Defendants seek to extract precise information from the Plaintiff regarding the matters of his claims and his

alleged injuries. The proposed First Set of Interrogatories to Plaintiff is attached under Appendix A.

MEMORANDUM OF LAW

The discovery process plays a vital role in the preparation for trial. Hickman v. Taylor, 329 U.S. 495, 501, 67 S.Ct. 385, 389, 91 L.Ed.451 (1947). “[T]he deposition-discovery rules are to be accorded a broad and liberal treatment.” See id. 67 S.Ct. at 392. Mutual knowledge of all the relevant facts gathered by the parties is essential to proper litigation. See id. Accordingly, Defendants request that the Court approve the proposed discovery set forth in this motion.

CONCLUSION

WHEREFORE, Defendants respectfully request that this Court approve the discovery requested herein.

Respectfully Submitted,

CHARLES J. CRIST, JR.
Attorney General

/s/Joy A. Stubbs
Assistant Attorney General
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by U.S. Mail to Ramon Armas Borroto, X27467 at Florida State Prison, 7819 N.W. 228th Street, Raiford, Florida 32026-1230 on this 31st day of October, 2006.

/s/ Joy A. Stubbs
Assistant Attorney General